

Appl. No. 10/634,196  
Reply to Office Action of October 30, 2006

### **REMARKS**

Applicants have received and reviewed an Office Action dated October 30, 2006. By way of response, Applicants have canceled claims 15, 24 and 35-36 without prejudice and amended claims 16, 21-22, 25-26, and 28-29. Claims 1-4, 13-14, 16-23 and 25-33 are pending. No new matter is presented. Applicants submit that the pending claims are supported by the specification.

For the reasons given below, Applicants submit that the pending claims are in condition for allowance and notification to that effect is earnestly solicited.

### **Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 29-33, 35 and 36 under 35 USC 103(a) as obvious over Smith et al., US 6,617,303 in view of Baker et al., US 2002/0119907, or Hei et al., US 2002/072288. The Examiner rejected claims 1-4, 13-17, 19, 20, 22-33, 35 and 36 under 35 USC 103(a) as obvious over Man, US 6,425,959 in view of Baker et al. or Hei et al. The Examiner rejected claims 1-4, 13-17, 19, 20, 22-26, 28-33, 35 and 36 under 35 USC 103(a) as obvious over Baker et al. in view of Smith et al. The Examiner rejected claims 1-4, 13-17, 19, 20, 22-26, 28-33, 35 and 36 under 35 USC 103(a) as obvious over Hei et al. in view of Smith et al. The Examiner rejected claims 1, 2, 13-17, 19, 20, 22, 24-32, 35 and 36 under 35 USC 103(a) as obvious over Smith et al., US 2003/0070692, in view of Smith et al. '303. The Examiner rejected claims 1-4, 13-19, 22-25, 28-33, 35 and 36 under 35 USC 103(a) as obvious over WO 95/04459 in view of Smith et al. '303. The Examiner rejected claim 21 under 35 USC 103(a) as obvious over Baker et al., Hei et al., Smith et al. '692, all in view of Smith et al. '303, as applied to rejected claims above, and further in view of Wulff et al., US 5,962,399. The Examiner rejected claim 27 under 35 USC 103(a) as obvious over Baker et al. or Hei et al., both in view of Smith et al. '303 as applied to claims 1-4, 13-17, 19, 20, 22-26, 28-33, 35 and 36 above, and further in view of Penninger et al., US 6,228,827. Applicants respectfully traverse these rejections.

The Examiner suggested that the term "adjuvant" in claims 35 and 36 brought these claims under the prior art rejections. Without acquiescing to this reasoning and solely to advance prosecution of this application, Applicants have amended the present independent claims (claims

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1, 28, and 29) to include recitations from claims 35 and 36. In addition, the amended independent claims recite "the adjuvant being stabilizing agent, wetting agent, thickener, foaming agent, pigment, dye, or mixture thereof".

Applicants submit that the references cited in these rejections neither disclose nor suggest the claimed compositions and methods with "the adjuvant being stabilizing agent, wetting agent, thickener, foaming agent, pigment, dye, or mixture thereof".

Accordingly, based on the foregoing differences, Applicant submit that the references cited in these rejections neither teach nor suggest the presently claimed compositions and methods, and withdrawal of these rejections is respectfully requested.

#### Double Patenting Rejection

Claims 1-4, 13-25, 29-33, 35 and 36 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 10-37 of US 6,593,283 in view of Smith et al. '303.

Applicants have filed herewith a terminal disclaimer to overcome this rejection.

#### Summary

In summary, Applicants submit that each of claims 1-4, 13-14, 16-23 and 25-33 are in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this application.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Date:

29 Jan '07

Mark T. Skoog  
Mark T. Skoog  
Reg. No. 40,178

MTS:kf

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